

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**JOHN DOE 1,**

**Plaintiff,**

**VS.**

**CUYAHOGA COUNTY COMMUNITY  
COLLEGE, EMANUELA FRISCIONI,  
AMBER SMITH, PAUL COX,  
TERENCE GREENE, CHARLENE  
BROWN, ANTONIO BROWN, and  
PHILLIP WILLIAMS,**

## Defendants.

**CASE NO.** \_\_\_\_\_

**JUDGE** \_\_\_\_\_

## **NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendants Cuyahoga County Community College (“Tri-C”), Emanuela Friscioni, Amber Smith, Paul Cox, Charlene Brown, and Phillip Williams (together, “Defendants”), hereby remove this civil action from the Court of Common Pleas, Cuyahoga County, Ohio, pending as Case No. CV-22-963208 (the “State Court Action”), to the United States District Court for the Northern District of Ohio. Defendants remove the State Court Action on the basis that this Court has original or supplemental jurisdiction over all of Plaintiff John Doe 1’s claims under 28 U.S.C. §§ 1331 or 1367(a) because the Complaint seeks relief under federal and Ohio law, and all claims form part of the same case or controversy.

## I. Introduction.

1. The State Court Action was commenced on May 9, 2022 by Plaintiff filing a Complaint. In addition to the above-named Defendants, Plaintiff also filed suit against Terence Green and Antonio Brown, whom undersigned counsel does not represent. *E.g.*, Compl., ¶¶ 6, 8.

2. On June 20, 2022, undersigned counsel, in consultation with Plaintiff's counsel, agreed to waive service on behalf of Defendants Amber Smith, Charlene Brown, and Phillip Williams.

3. Plaintiff's counsel and undersigned counsel have agreed that the deadline for all Defendants whom undersigned counsel represents (Tri-C, Emanuela Friscioni, Amber Smith, Paul Cox, Charlene Brown, and Phillip Williams), to answer, move or otherwise respond to Plaintiff's Complaint, is August 19, 2022.

4. A copy of the Complaint and the summonses that have been served upon the Defendants are attached to this Notice as Exhibit 1.

5. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Court of Common Pleas, Cuyahoga County, Ohio, and written notice, including a copy of this Notice of Removal, is being provided to Plaintiff's counsel.

6. All Defendants who have been properly joined and served have consented to this removal. 28 U.S.C. § 1446(b)(2)(A).

7. No admission of fact, law, liability, or damages is made or intended by this Notice of Removal, and all defenses, objections, and motions are hereby reserved.

**II. This Court has Original or Supplemental Jurisdiction Over All of Plaintiff's Claims so that the Entire State Court Action May Be Removed.**

8. This Court has original jurisdiction over Plaintiff's claims for violations of Title IX, 20 U.S.C. § 1681(a) and 42 U.S.C. § 1983. 28 U.S.C. § 1331; Compl. ¶¶ 59 – 122 (first, second, and third causes of action).

9. As a result, Plaintiff's Title IX and Section 1983 claims are removable under 28 U.S.C. § 1441(a).

10. This Court has supplemental jurisdiction over Plaintiff's purported claims under

Ohio law for criminal act violations of Ohio Revised Code 2151.421, negligent/reckless conduct, and intentional infliction of emotional distress, because they form part of the “same case or controversy” as the claims that arise under federal law. 28 U.S.C. § 1367(a) (district courts “*shall have supplemental jurisdiction* over all other claims that are so related to claims” over which the courts have original jurisdiction that they form part of the same case or controversy) (emphasis added); Compl. ¶¶ 123-142 (fourth, fifth, sixth, and seventh causes of action).

11. All of Plaintiff’s claims relate to a common nucleus of operative facts, which Plaintiff describes as his alleged sexual assault by Defendant Terence Greene while Greene was employed as Program Manager Dance Mastery at Tri-C, and the alleged promotion by Tri-C of “policies, customs, or practices that fostered a climate to flourish where Plaintiff was left vulnerable to and actually was subjected to sexual abuse and sexual assault by Terence Greene[.]” *E.g.*, Compl. ¶¶ 37-58, 117; *see also id.* ¶¶ 128 – 142.

12. Accordingly, the entire State Court Action may be removed to this Court because it has supplemental jurisdiction over the state law claims. 28 U.S.C. § 1367(a); *Hucul Advertising, LLC v. Charter Tp. of Gaines*, 748 F.3d 273, 280-81 (6th Cir. 2014).

### **III. Conclusion.**

WHEREFORE, Defendants remove this action from the Court of Common Pleas of Cuyahoga County, Ohio.

Respectfully submitted,

/s/ Ronald D. Holman, II

Ronald D. Holman, II (0036776)

Cary M. Snyder (0096517)

Brandon Summers (0097012)

Taft Stettinius & Hollister LLP

200 Public Square, Suite 3500

Cleveland, OH 44114-2302

Phone: (216) 241-2838

[rholman@taftlaw.com](mailto:rholman@taftlaw.com)

[csnyder@taftlaw.com](mailto:csnyder@taftlaw.com)

[bsummers@taftlaw.com](mailto:bsummers@taftlaw.com)

*Attorney for Defendants Cuyahoga County  
Community College, Emanuela Friscioni,  
Amber Smith, Paul Cox, Charlene Brown,  
and Phillip Williams*

**CERTIFICATE OF SERVICE**

A copy of the foregoing Notice of Removal has been served on this 20th day of July 2022  
upon the following, as noted:

Ryan H. Fisher  
Meghan Connolly  
Kyle B. Melling  
Lowe Scott Fisher Co., LPA  
1660 West Second Street  
610 Skylight Office Tower  
Cleveland, OH 44113-1454  
rfisher@lsflaw.com  
mconnolly@lsflaw.com  
kmelling@lsflaw.com  
(via email and Federal Express)

*Counsel for Plaintiff-Appellee John Doe I*

Terence Greene  
12405 York Blvd.  
Garfield Heights, OH 44125  
(via Federal Express)

*Defendant*

/s/ Ronald D. Holman, II  
Ronald D. Holman, II (0036776)

*One of the Attorneys for Defendants  
Cuyahoga County Community College,  
Emanuela Friscioni, Amber Smith, Paul  
Cox, Charlene Brown, and Phillip Williams*